

Remarks

Applicants respectfully request reconsideration and allowance of the present application in view of the following remarks and amendments.

Claims 1-17 remain pending in the present application, with claims 18-27 previously canceled. Claims 1-17 stand rejected under 35 U.S.C. 103(a) as being unpatentable over PCT Publication WO 02/052071 (Haynes '071) in view of U.S. Patent 6,365,088 (Knight '088) and U.S. Patent 3,052,009 (Epstein '009).

Applicants respectfully assert that the 35 U.S.C. Section 103(a) rejection of claim 1 fails to include a motivation or teaching to combine the cited references to obtain the invention as claimed. Instead, the rejection merely combines elements found in various prior art patents based on the hindsight provided by the presently claimed invention. This is not a proper basis for a 35 U.S.C. § 103(a) rejection.¹ "Virtually all inventions are necessarily combinations of old elements. The notion, therefore, that combination claims can be declared invalid merely upon finding similar elements in separate prior patents would necessarily destroy virtually all patents and cannot be the law under the statute, '103.'"² Thus, the task of the Patent Office is essentially a burden of proof not just to show prior patents with selected elements similar to respective parts of a claimed

¹ Graham v. John Deere Co., 383 U.S. 1 (1966) ("Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching or suggestion supporting the combination. Under section 103, teachings of references can be combined only if there is some suggestion or incentive to do so.")

² Panduit Corp. v. Dennison Manufacturing Co., 1 U.S.P.Q.2d 1593, 1603 (Fed. Cir. 1987) (footnotes omitted).

combination, but to show teachings to support obviously combining the elements in the manner claimed.

Specifically, the present rejection of claim 1 relies on the modification of Haynes '071 to incorporate selected teachings of Knight '088 and Epstein '009. After acknowledging that Haynes '071 does not disclose or teach an electrostatic unit having an array of protrusions on both the first side and the second side of the electrostatic unit, the rejection of claim 1 simply adds the teaching of Knight '088 to provide this missing limitation. However, the rejection provides no motivation or teaching for one of ordinary skill in the art to modify the disclosure of Haynes '071 by the teaching of Knight '088 to arrive at the claimed combination of elements recited in claim 1. Indeed, Haynes '071 teaches applying an electrostatic charge to fibers to form a nonwoven web, while Knight '088 teaches applying an electrostatic charge to an already formed nonwoven web. Therefore, it is difficult to see how one of ordinary skill in the art would have been motivated to move the electrostatic charge in Knight '088 to apply the charge to the fibers as recited in claim 1.

Similarly, after acknowledging that Haynes '071 also does not disclose or teach alternating the electrostatic charge from the first side to the second side and back to the first side, the rejection of claim 1 simply adds the teaching of Epstein '009 to provide this second missing limitation. Although Epstein '009 states that the shaping and arrangement of alternating electrostatic pulses are familiar to any cathode ray tube engineer, this teaching provides no motivation for one of ordinary skill in the art to further modify the disclosure of Haynes '071, as already presumably modified by Knight '088, to arrive at the claimed combination of elements recited in claim 1. In addition,

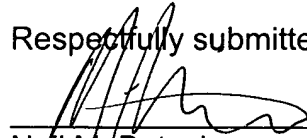
Haynes '071 teaches applying an electrostatic charge to fibers to form a nonwoven web, while Epstein '009 teaches alternating the electrostatic charge to crimp an already formed nonwoven web. Therefore, it is again difficult to see how one of ordinary skill in the art would have been motivated to move the electrostatic charge in Epstein '009 to apply the charge to fibers as recited in claim 1.

Therefore, Applicants respectfully assert that the 35 U.S.C. Section 103(a) rejection of claim 1 fails to include a motivation or teaching to combine the cited references to obtain the invention as claimed. Applicants similarly assert that the 35 U.S.C. Section 103(a) rejections of claims 2-4, 8, 9, 11-17 rely on the same combination of references without providing any motivation or teaching to combine the cited references to obtain the invention as recited in these dependent claims. Therefore, Applicants respectfully request withdrawal of the 35 U.S.C. 103(a) rejection of claims 1-17.

For at least the reasons discussed above, Applicants respectfully submit that the present application is in complete condition for allowance, and favorable action, therefore, is respectfully requested. Should any issues remain after consideration of this amendment, then Examiner Daniels is invited and encouraged to telephone the undersigned at his convenience.

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Respectfully submitted,



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